



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2760

DATE SCANNED 2/4/14

SCANNER NO. 2

SCAN OPERATOR ESS

14092694092



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTIC.  
COMMISSION  
SECRETARIAT

2013 SEP 16 PM 4: 09

September 16, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *NYI/DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *KD SP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2013 July Monthly Report for the  
Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2013 July Monthly Report in accordance with 2 U.S.C. 434(a). The 2013 July Monthly Report was due on July 20, 2013.

The committee listed in the attached RTB Circulation Report filed the report after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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9/16/2013 1:48 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2013 JULY MONTHLY Not Election Sensitive 07/20/2013 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2760	C00167213	OKLAHOMA LEADERSHIP COUNCIL		ANTHONY J. FERATE	\$358,323	0	7/26/2013	6	\$49,753	\$320

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation – ) AF 2760  
2013 July Monthly Report for the )  
Administrative Fine Program: Oklahoma )  
Leadership Council and Anthony J. )  
Ferate, treasurer )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,  
do hereby certify that on September 18, 2013, the Commission decided by a  
vote of 5-0 to take the following actions in AF 2760:

1. Find reason to believe that Oklahoma Leadership Council and Anthony J. Ferate, treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$320.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub  
voted affirmatively for the decision.

Attest:

September 19, 2013  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 19, 2013

Anthony J. Ferate, in official capacity as Treasurer  
Oklahoma Leadership Council  
4031 N. Lincoln Boulevard  
Oklahoma City, OK 73105

C00167213  
AF#: 2760

Dear Mr. Ferate:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Monthly Report of Receipts and Disbursements covering the period June 1, 2013 through June 30, 2013. This report shall be filed no later than July 20, 2013. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on July 26, 2013, six (6) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 18, 2013, the FEC found that there is reason to believe ("RTB") that Oklahoma Leadership Council and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 20, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$320. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$320 is due within forty (40) days of the finding, or by October 28, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$49,753  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or October 28, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Oklahoma Leadership Council and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

#### **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

##### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

##### **5. Settlement Offers**

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$320 for the 2013 July Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by October 28, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Oklahoma Leadership Council

FEC ID#: C00167213

AF#: 2760

PAYMENT DUE DATE: October 28, 2013

PAYMENT AMOUNT DUE: \$320

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 DEC 13 AM 10:21

December 12, 2013

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *for PCO*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *KD SP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2013 July Monthly Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2013 July Monthly Report. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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12/12/2013 4:42 PM

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2013 JULY MONTHLY Not Election Sensitive 07/20/2013 P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2760	OKLAHOMA LEADERSHIP COUNCIL		C00167213	ANTHONY J. FERATE	07/26/2013	6	\$34,015	0	09/18/2013	\$320	85	\$320

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program – Final ) AF 2760  
Determination Recommendation for the )  
2013 July Monthly Report: Oklahoma )  
Leadership Council and Anthony J. )  
Ferate, Treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 16, 2013, the Commission decided by a vote of 6-0 to take the following actions in AF 2760:

1. Make a final determination that Oklahoma Leadership Council and Anthony J. Ferate, Treasurer violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$320.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 17, 2013  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

14092694102



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 17, 2013

Anthony J. Ferate, in official capacity as Treasurer  
Oklahoma Leadership Council  
4031 N. Lincoln Boulevard  
Oklahoma City, OK 73105

C00167213  
AF#: 2760

Dear Mr. Ferate:

On September 18, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Oklahoma Leadership Council and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2013 July Monthly Report. By letter dated September 19, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$320 in accordance with the schedule of penalties at 11 CFR § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the level of activity has been changed to reflect the actual level of activity of the Amended 2013 July Monthly Report. The FEC made a final determination on December 16, 2013 that Oklahoma Leadership Council and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$320 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$34,015  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination

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be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

### **5. Settlement Offers**

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any

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restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, reading "Ellen L. Weintraub" with a stylized flourish at the end.

Ellen L. Weintraub  
Chair

14092694105

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$320 for the 2013 July Monthly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Oklahoma Leadership Council

FEC ID#: C00167213

REPORT: 2013 July Monthly

AF#: 2760

PAYMENT AMOUNT DUE: \$320

14092694106

FOR: Oklahoma Leadership Council

FEC ID#: C00167213

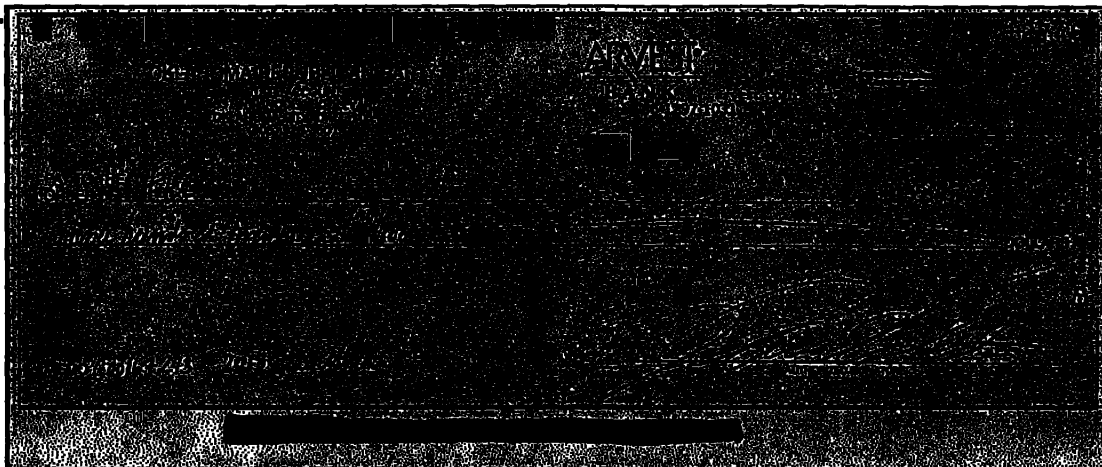
REPORT: 2013 July Monthly

AF#: 2760

PAYMENT AMOUNT DUE: \$320

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 12/23/2013



Batch	Item	TID	Batch Total	Amount
1	1,	Y-3032694	\$3,840.00	\$320.00

14092694107

**usbank.**

St. Louis GA Lockbox  
(314) 425-1818





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2760

DATE SCANNED 2/4/14

SCANNER NO. 2

SCAN OPERATOR EES

14092694108